

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3495
OFFERED BY Mr. Roy**

Add at the end of the bill the following new section:

1 **SEC. 15. PROHIBITION ON SECRETARY OF VETERANS AF-**
2 **FAIRS TRANSMITTAL OF CERTAIN INFORMA-**
3 **TION TO THE DEPARTMENT OF JUSTICE FOR**
4 **USE BY THE NATIONAL INSTANT CRIMINAL**
5 **BACKGROUND CHECK SYSTEM.**

6 (a) IN GENERAL.—Chapter 55 of title 38, United
7 States Code, is amended by inserting after section 5501A
8 the following new section:

9 **“§ 5501B. Prohibition on transmittal of certain infor-**
10 **mation to the Department of Justice for**
11 **use by the national instant criminal back-**
12 **ground check system**

13 “The Secretary may not transmit to any entity in the
14 Department of Justice, for use by the national instant
15 criminal background check system established under sec-
16 tion 103 of the Brady Handgun Violence Prevention Act,
17 personally identifiable information of a beneficiary, solely
18 on the basis—

1 “(1) of a determination by the Secretary under
2 chapter 11 of title 38, United States Code, that a
3 person has a service-connected disability; or

4 “(2) of a determination by the Secretary to pay
5 benefits to a fiduciary for the use and benefit of the
6 beneficiary under section 5502 of this title, without
7 the order or finding of a judge, magistrate, or other
8 judicial authority of competent jurisdiction that such
9 beneficiary is a danger to themselves or others.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 55 of such title is amended
12 by inserting after the item relating to section 5501A the
13 following new item:

“5501B. Prohibition on transmittal of certain information to the Department
of Justice for use by the national instant criminal background
check system.”.

